

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARCELO L. MARISTAN and
DINORAH MARISTAN

v.

PNC BANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER TO
NATIONAL CITY REAL ESTATE
SERVICES LLC, SUCCESSOR BY
MERGER TO NATIONAL CITY
MORTGAGE INC. FORMALLY KNOWN
AS NATIONAL CITY MORTGAGE CO.

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Case No. 4:10cv464
(Judge Schneider/ Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 30, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant PNC Bank, National Association, successor by merger to National Real Estate Services, LLC, successor by merger to National City Mortgage, Inc., successor by merger to National City Mortgage Co.'s Motion for Summary Judgment (Dkt. #26) be granted and the case dismissed without prejudice.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.


It is, therefore, **ORDERED** that Defendant PNC Bank, National Association, successor by merger to National Real Estate Services, LLC, successor by merger to National City Mortgage, Inc.,

successor by merger to National City Mortgage Co.'s Motion for Summary Judgment (Dkt. #26)

is GRANTED and Plaintiffs' claims are DISMISSED without prejudice.

It is SO ORDERED.

SIGNED this 24th day of February, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE